

9 September 1955

MEMORANDUM FOR: Acting Chief, OL/TD/PA

SUBJECT : Shipment of Personal Automobiles

1. A dispatch from the Chief, [redacted] to the Chief, FE, dated 2 June 1955, requests an interpretation of existing regulations governing the shipment of personally owned automobiles. The particular question of concern is whether or not an employee assigned PCS to [redacted] may, upon transfer PCS to the United States, have shipped to the United States [redacted] This question is asked in light of the fact that due to specific restrictions against importation of automobiles into [redacted], transportation of personal automobiles to [redacted] is not authorized by this Agency.

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2. CIA Regulation [redacted] governs the shipment of personally owned automobiles of employees transferred PCS to, from or between foreign posts.

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[redacted] "Incident to assignment of employees to permanent duty stations outside the continental United States, its territories and possessions, the following expenses, in addition to those normally payable, may be allowed in accordance with applicable provisions of the Foreign Service regulations: . . . (6) Expense in transferring a privately owned automobile for or on behalf of an employee . . . (9) Travel and transportation expenses of dependents and household goods and personal effects (within established weight limitations) and privately owned vehicle, acquired subsequent to issuance of change in station or home leave orders, when properly authorized in an amendment to the original order". (Emphasis added) The corresponding section of the Foreign Service regulations (Section 603.615) provides that a traveller may elect to perform travel or transport his effects between places other than those specified in the travel authorization provided that the actual cost of direct transportation of effects shall be allowed in an amount not to exceed the cost which would have been involved in direct transportation between the points specified in the travel authorization. This section of the Foreign Service regulations also provides that in connection with appointment or transfer the transportation of the employee's effects may commence and terminate at any place.

3. The Comptroller General has written two opinions on the subject of transportation by Foreign Service officers of privately owned automobiles between posts other than their posts of origin or destination. A published

opinion in 1930 (10 Comp. Gen. 268) and an unpublished opinion in 1949 (B-75565) each limits the reimbursement for such shipment to cases where the employee had title to the property at the time of the shipment. However, neither opinion questions the right of a Foreign Service officer to have a privately owned automobile shipped from a point other than his point of origin. The opinion in 10 Comp. Gen. 268 sets forth the general rule which is cited favorably in B-75565:

"To entitle Foreign Service officers to reimbursement of the cost of transportation of household goods, including automobiles, purchased while en route to a new post of duty, it must appear that the transportation charges were incurred only after title to the property passed to the officer and such charges may include only the actual and necessary cost of such transportation, subject to limitations prescribed in the regulations, directly from the place where title passes to him to his new post."

This clearly contemplates and approves reimbursement for shipment of after acquired automobiles and household effects. The State Department informs us that they will ship a privately owned automobile to or from any point for a Foreign Service officer provided that his reimbursement will be limited to the cost of direct shipment from his point of origin to his point of destination.

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25X1A6A 4. The fact that the Agency does not authorize shipment of privately owned automobiles to [] does not, as a matter of law or existing regulation, affect the right of an employee stationed in [] to have an automobile shipped to his next post of duty upon transfer PCS from []. The Agency does not ship privately owned automobiles to [] because Army regulations currently prohibit the importation of privately owned vehicles. In effect it is not Agency action but action of another authority which prohibits the shipment and this does not change the right of an Agency employee to have an automobile transported for him upon transfer from [] provided of course that he has title to the automobile at the time it is shipped.

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5. It is the opinion of this Office that controlling laws and regulations permit reimbursement for the cost of transporting privately owned automobiles and household effects for or on behalf of employees transferred to, from or between foreign posts of duty including transportation to or from points other than the posts of origin or destination provided that reimbursement shall not exceed the cost of direct transportation between origin and destination and provided that the employee has title to the property at the time it is shipped.

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[]
Office of General Counsel

OGC:JDM:ss

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